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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/648,472

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Michihiro Kubo

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4721

22919

7590

12/28/2004

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EXAMINER

WEEKS, GLORIA R

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 10/648,472	Applicant(s) KUBO ET AL.	
	Examiner Gloria R Weeks	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 8 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 and 13 is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-11 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

1. This action is in response to Applicants' amendment received on December 8, 2004.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Petrea (USPN 3,864,895).

In reference to claims 1-4, Petrea discloses a bag manufacturing and packaging apparatus, comprising: a bag manufacturing unit (2); a mounting unit having a transfer mechanism (22) that transfers bags (12) manufactured by the bag manufacturing unit (2) diagonally downward (when placing bag on strip; figure 3), and a fixing mechanism (34) that affixes bags to a strip (36) after the transfer mechanism (22) transfers the bags (12; a strip roll (46) that reels out the strip (36); a strip transport unit (48, 50, 62); and a tension control mechanism (64, 58) for maintaining the tension of the strip (36) transported by said strip transport unit (48, 50, 62).

In reference to claims 8-11, Petrea discloses a bag manufacturing and packaging apparatus, comprising: a bag manufacturing unit (2); a mounting unit having a transfer mechanism (22) that transfers a holding mechanism (32) for holding manufactured bags (12), the holding mechanism (32) having a holding position (after discharge of bag 12) and a release position (point where bag is transferred to fixing mechanism); and a fixing mechanism (34) that affixes bags to a strip (36) after the transfer mechanism (22) transfers the bags (12) to a fixing position; the manufacturing unit

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including a transverse sealing mechanism (10) that seals vertical ends of bags (12), the transverse sealing mechanism (10) having a pair of sealing members that grasps both of the ends of a bag (12) and applies heat and pressure while moving downward to seal the ends (column 2, lines 13-19).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petrea (USPN 3,864,895) in view of Belt (USPN 6,726,794).

Regarding claim 5, Petrea discloses a bag manufacturing apparatus comprising a mounting unit having a transfer mechanism (22); a fixing mechanism (34); and a strip transport unit (48, 50, 62). Petrea does not disclose the strip transport unit (48, 52, 64) transporting a plurality of strips to the fixing mechanism (34). Belt teaches a bag manufacturing apparatus comprising a mounting unit having a transfer mechanism (248); a fixing mechanism (80); and strip transport unit (34, 36, 64, 84) which transports a plurality of strips (30, 60) to the fixing mechanism (80) whereby the fixing mechanism (80) attaches a bag (12) to at least one of the plurality of strips (30). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the mounting unit of Petrea to include the strip transport unit of Belt for the purpose of providing a first strip for securing the bag to a second strip.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petrea (USPN 3,864,895) in view of Seragnoli (USPN 4,41,127).

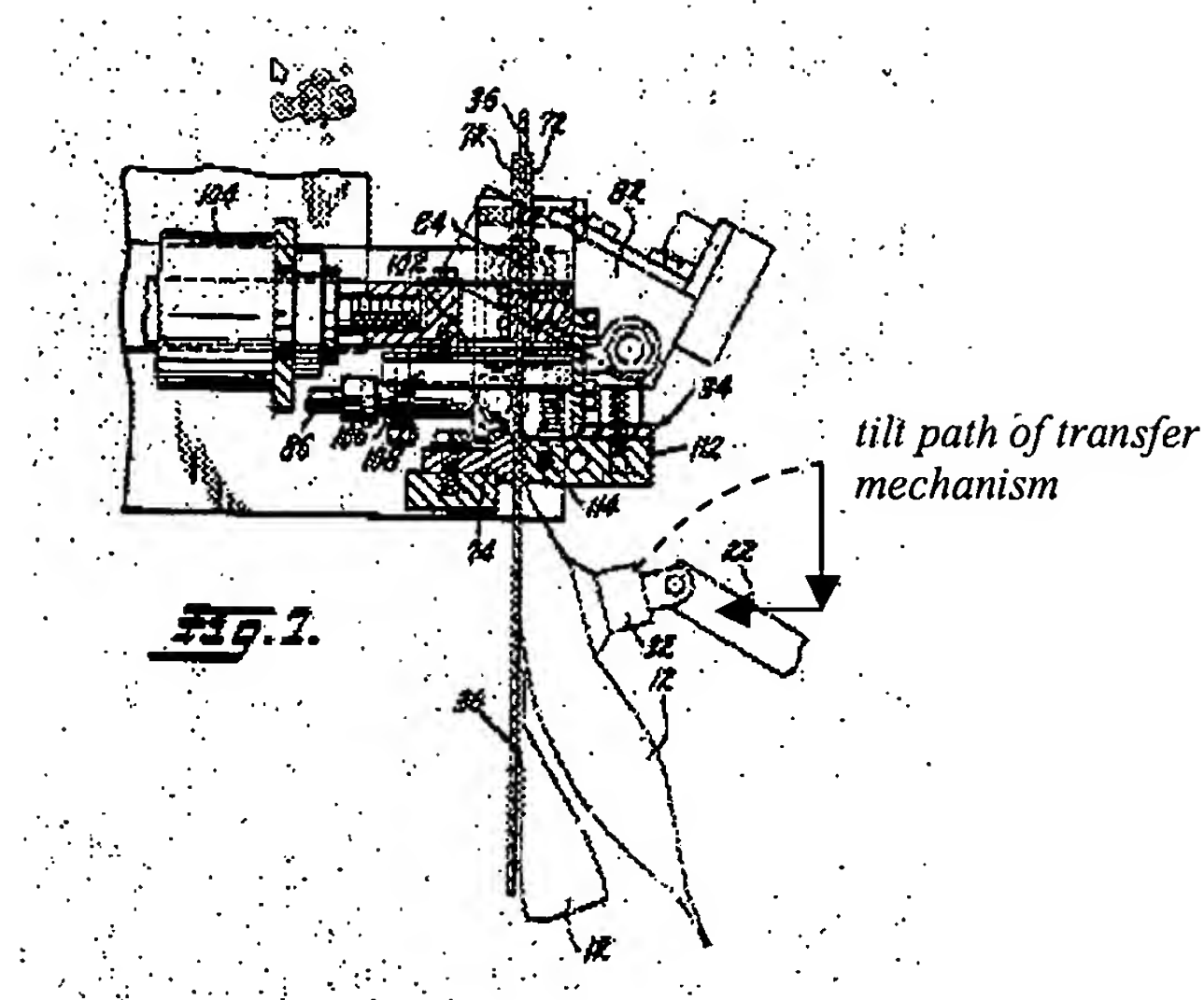
Regarding claim 6, Petrea discloses an apparatus having a strip roll (46), but does not disclose a means for signaling depletion of the strip material from the reel supply. Seranoli teaches an apparatus having a strip roll (4) with a sensor (column 3, lines 52-57) for detecting the amount or strip material remaining on the strip. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the strip roll of Petrea to have the sensor of Seragnoli to detect the amount of strip material remaining on the strip roll for the purpose of preventing undesired down time in the production of the apparatus (Seragnoli-column 1, lines 11-18).

#### *Allowable Subject Matter*

7. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. Claims 12 and 13 are allowed.

#### *Response to Arguments*

9. Applicant's arguments filed December 8, 2004 have been fully considered but they are not persuasive. Applicant has argued that Petrea fails to disclose a transfer mechanism that transfers bags diagonally downward. Examiner disagrees based on column 2 lines 51-55 of Petrea which states that the transfer mechanism (22) tilts in order to place the bag (12) against a strip. Since the transfer mechanism is disclosed as being mechanically mounted to tilt, it is understood that the transfer mechanism will follow an arcuate path, thereby moving in both a downward and diagonal direction.



Although the transfer mechanism isn't illustrated as following a large arcuate path, the small arcuate path the transfer mechanism is discloses as following is found to read on Applicant's invention as claimed, regarding the limitation of a transfer mechanism that moves in both a downward and diagonal direction, as well as the limitation of a packaging apparatus that has a fixing position which is downward and offset in a front-rear direction relative to a release position.

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

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calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria R Weeks whose telephone number is (703) 605-4211. The examiner can normally be reached on 7:30 am - 6:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on (703) 305-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

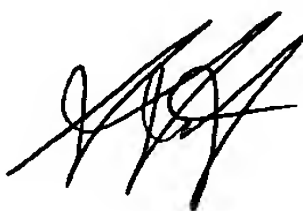
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



grw

December 19, 2004

Gloria R Weeks  
Examiner  
Art Unit 3721



**SCOTT A. SMITH**  
**PRIMARY EXAMINER**